

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
BARBARA SCHULTZ,

Plaintiff,

-against-

MARTIN CHEN,

Defendants,

-----X

**STATEMENT
PURSUANT TO
RULE 56.1(b)**

17 CV 8917
(RWS) (GWG)

Plaintiff BARBARA SCHULTZ, through her counsel and pursuant to Rule 56.1(b) of the Local Civil Rules for the United States District Court, Southern District of New York, opposes defendant Martin Chen's counterstatement of facts pursuant to Rule 56.1(b) as follows:

1. Plaintiff is without knowledge of the allegations contained within paragraph 1 of the defendant's statement pursuant to Rule 56.1(b) and can neither admit nor deny the veracity of those allegations. Nonetheless, plaintiff has no reason to doubt the veracity of the statement contained therein.

2. Plaintiff denies the allegation set forth in paragraph 2 of defendant's statement pursuant to Rule 56.1(b). As defendant is not the movant, he does not present a statement pursuant to Rule 56.1(a).

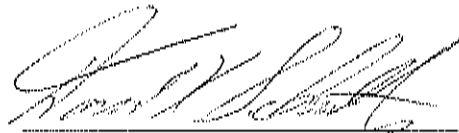
3. Plaintiff agrees with the allegations contained within paragraph 3 of defendant's statement pursuant to Rule 56.1(b).

4. Plaintiff is without knowledge of the allegations contained within paragraph 4 of defendant's statement pursuant to Rule 56.1(b) and can neither admit nor deny the veracity of those allegations.

5. Plaintiff is without knowledge of the allegations contained within paragraph 5 of defendant's statement pursuant to Rule 56.1(b) and can neither admit nor deny the veracity of those allegations. Nonetheless, plaintiff disputes the allegation that the vehicle in which she was a passenger did not have its lights on. (Plaintiff's Statement Pursuant to Rule 56.1(a), ¶ 7, ¶ 8, ¶ 10).

6. Plaintiff agrees with the allegations contained within paragraph 6 of plaintiff's statement pursuant to Rule 56.1(b) only to the extent that defendant's vehicle struck the plaintiff's vehicle in the rear. Otherwise, plaintiff is without knowledge of the allegations contained within paragraph 6 of defendant's statement pursuant to Rule 56.1(b) and can neither admit nor deny the veracity of those allegations.

Dated: New York, New York
February 9, 2018

A handwritten signature in black ink, appearing to read "David H. Schultz", is written over a horizontal line.

DAVID H. SCHULTZ (DS 1365)